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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Denmark

1. The Committee considered the second periodic report of Denmark (CRC/C/70/Add.6), received on 15 September 1998, at its 699th to 700th meetings (CRC/C/SR.699 and 700), held on 22 May 2001, and adopted at its 721st meeting, on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/DEN/2) which allowed for a clearer understanding of the situation of children. The Committee regrets that the report did not include adequate information concerning the situation of children in Greenland and the Faroe Islands and did not follow the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58). The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of children's rights in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child. The State party's efforts to apply the Committee's initial concluding observations and recommendations (CRC/C/15/Add.33) to legislation, policies and programmes for children are noted.

4. The Committee notes with appreciation the State party's outstanding commitment in the area of international cooperation and development assistance. In this regard, the Committee notes that the State party allocates a significant percentage of its gross domestic product to foreign aid, mainly in support of least developed countries.

5. The Committee welcomes the child care initiative introduced by law and taken in cooperation with the municipalities and experts in education in order to improve the quality of day care facilities.

6. The Committee notes with satisfaction that in 1997, the right of parents to use corporal punishment on their children was abolished by law. The Committee expresses further satisfaction at the nationwide awareness raising campaign undertaken to inform parents about the new legislation. The Committee notes the efforts to include material in minority languages as a follow-up to the campaign.

7. The Committee notes with satisfaction that the National Council for Children was permanently established by law in 1998 and mandated to assess independently the situation of children within the State party in light of the principles and provisions of the Convention.

8. The Committee notes with satisfaction that the State party has ratified the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption in 1997. The ratification necessitated amendments to the Adoption Act that, inter alia, ensures greater participation of the child in his/her adoption. The Committee further notes that the State party has ratified ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and ILO Convention (No.138) concerning Minimum Age for Admission to Employment.

9. The Committee notes that the State party has recently facilitated the second session of the Danish Youth Parliament and welcomes the initiative by the Cabinet to review and circulate the decisions and recommendations of the young parliamentarians.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Reporting

10. The Committee regrets that the report did not include adequate information concerning the situation of children in Greenland and the Faroe Islands and that it did not follow the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

11. The Committee recommends that the State party take all effective measures to ensure that its next periodic report includes specific information on the situation of children in Greenland and the Faroe Islands and that it follows the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

Reservations

12. The Committee notes the initiative of the State party, through its Standing Committee on Procedural Law, to initiate the process of reviewing its reservation to article 40 (2) (b) (v) of the Convention.

13. In light of the Vienna Declaration and Plan of Action of the Vienna World Conference on Human Rights (1993), the Committee encourages the State party to complete the process of review of its reservation to article 40 (2) (b) (v) of the Convention with a view to withdrawing it.

Legislation

14. The Committee notes that the Minister of Justice has set up a committee of human rights experts to examine the advantages and disadvantages involved in incorporating into Danish law the core international human rights treaties, including the Convention on the Rights of the Child. While the Committee notes that the recommendations of the expert committee have not yet been finalized, it remains concerned about the legal status of the Convention on the Rights of the Child in domestic law.

15. The Committee encourages the State party to consider the incorporation of core international human rights instruments, including the Convention on the Rights of the Child, into domestic law. In this regard, the Committee urges the State party to give equal weight to all international human rights instruments. It is recommended that the State party include in its next periodic report information on the recommendations of the expert committee and the decision of the Government regarding this issue.

Ratification of international human rights instruments

16. The Committee notes that the State party is currently considering the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers Members of Their Families.

17. The Committee encourages the State party to accede to this Convention.

Coordination

18. While the Committee notes that the terms of reference of the Inter-Ministerial Committee on Children were updated in 1997, it remains concerned that the Convention has not yet been established as the framework for the work of the Inter-Ministerial Committee. The Committee is also concerned that insufficient efforts have been made by the State party to explicitly include the Convention in its general consideration of children's policies and programmes.

19. The Committee encourages the State party to consider establishing the Convention as the framework for the work of the Inter-Ministerial Committee. Additionally, the State party is encouraged to consider the elaboration of a comprehensive strategy for children based on the Convention on the Rights of the Child.

Data collection

20. The Committee notes with concern that the existing data collection mechanisms are inadequate to ensure the collection of disaggregated data on all aspects of the Convention and to effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

21. The Committee recommends that the State party to reinforce its system of data collection and develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies adopted with respect to children. Efforts should be made to ensure that the data collection system incorporates all the areas covered by the Convention and covers all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Independent complaints mechanisms

22. The Committee notes that the State party has established a number of initiatives to facilitate the lodging of complaints by children of violations of their rights, including through the Office of the Ombudsman and a telephone hotline. However, the Committee remains concerned about the accessibility and availability of these complaint mechanisms to all children within the State party.

23. The Committee suggests that the State party take all effective measures to ensure that its independent complaint mechanisms are easily accessible to and user-friendly for all children, to deal with complaints of violations of their rights and to provide remedies for such violations. In this regard, the Committee encourages the State party to reinforce its

awareness raising efforts to facilitate the effective use by children of the complaint mechanisms. While the Committee notes the reluctance to establish a separate complaints mechanism for children, it encourages the State party to consider strengthening the mandate of the National Council for Children to include individual cases and complaints from children, or to establish a child rights focal point within the Office of the Ombudsman.

Dissemination of the Convention and its principles

24. The Committee notes the efforts of the State party to disseminate, including through the Internet, the principles and provisions of the Convention within schools and among professionals working with children, including teachers, school administrators and police personnel. However, it remains concerned that children and professionals working with and for children are not fully aware of the Convention and the principles enshrined therein.

25. The Committee recommends that the State party reinforce its efforts to systematically and continuously disseminate the principles and provisions of the Convention and to ensure that the Convention is systematically incorporated into the school curriculum and the training activities of professional groups and administrative bodies, at all levels of society, working with and for children.

2. General principles

Non-discrimination

26. The Committee is aware of the measures taken by the State party to promote non-discrimination through, inter alia, the amendment to the Criminal Code and the preparation and dissemination of a brochure concerning ethnic minorities and the police. However, the Committee notes that de facto discrimination against and xenophobia directed at certain groups of children, especially children belonging to ethnic minorities, refugee and asylum-seeking children, children belonging to migrant families, children with disabilities and those belonging to socially and economically disadvantaged families continue to be of concern, including within the education system.

27. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party strengthen its measures, including through the Board for Ethnic Equality by, inter alia, organizing ongoing awareness raising campaigns to change attitudes and to eliminate de facto discrimination against and xenophobia directed at minority groups, especially children belonging to migrant families, refugee children, children with disabilities and children belonging to socially and economically disadvantaged families.

Best interests of the child

28. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party. In this regard, the Committee notes that the rights of parents are often found to be more important than the best interests of the child.

29. The Committee recommends that further efforts be made by the State party to ensure the implementation of the principle of the best interests of the child in its laws, policies and programmes for children, as well as in all judicial and administrative decisions concerning children.

Respect for the views of the child

30. The Committee is aware of the various provisions in the law concerning the right of the child to be heard and that the legal minimum age in this regard is 12 years. However, the Committee remains concerned about the inadequate implementation of article 12 of the Convention and the fact that children below the age of 12 years do not have a right to be heard.

31. The Committee recommends that the State party take the necessary measures to ensure effective implementation of article 12 of the Convention, not only in court proceedings but also in various administrative decisions, including with respect to child protection services, custody proceedings and the placement of children in institutions. Moreover, the State party is urged to effectively promote and encourage respect for the views of children below the age of 12 years, according to his/her evolving capacities, and in light of article 12 of the Convention.

3. Family environment and alternative care

Parental guidance and responsibilities

32. While the Committee notes that financial and special assistance programmes for single parents have been established, including at the municipal level, it remains concerned about the vulnerability of children belonging to single-parent families. Concern is also expressed about the situation of children belonging to ethnic minority families.

33. The Committee recommends that the State party strengthen its programmes and initiatives in support of single parent and ethnic minority families.

Child abuse and neglect in the family

34. The Committee notes the various measures to address abuse and neglect of children, including the implementation of the proposals of an inter-ministerial working group on sexual abuse. However, it remains concerned about the lack of information on the magnitude of the phenomenon and the effects of the various measures implemented.

35. The Committee recommends that the State party develop and implement a comprehensive policy that includes an effective reporting and referral system of all cases of child abuse, including sexual abuse, and neglect; regular evaluation of the results of the various measures taken; and legislation that ensures child-sensitive, multi-disciplinary procedures conducted by well-trained professionals, in order to avoid further traumatizing of the child.

4. Basic health and welfare

Adolescent health

36. While noting the efforts of the State party, the Committee remains concerned about the health problems faced by adolescents, particularly the high incidents of eating disorders, especially among teenage girls; drug, alcohol and tobacco abuse; and suicide.

37. The Committee recommends that the State party reinforce its efforts to address these adolescent physical and mental health concerns through, inter alia, preventive education, counselling and rehabilitative programmes to strengthen self-confidence among young people and prevent behaviour that could negatively affect their health.

5. Education, leisure and cultural activities

Violence against children in institutions

38. Acknowledging the activities undertaken by the State party in this regard, the Committee remains concerned about the rather high level of bullying in schools and about the inadequate protection of children from abuse, including sexual abuse, in day care and other institutions.

39. The Committee recommends that the State party strengthen its measures, in participation with children, to prevent and combat violence and bullying in schools, taking into account the recommendations of the National Council for Children in that regard. Furthermore, the State party is encouraged to take the necessary measures to prevent persons convicted of crimes against children from working in care and other institutions for children.

6. Special measures of protection

Administration of juvenile justice

40. While the Committee notes the efforts of the State party in the area of juvenile justice, it remains concerned that children between the ages of 15 and 17 years may be held in adult detention facilities and kept in solitary confinement.

41. The Committee urges the State party to review its legislation and policies governing juvenile justice to ensure that they are fully consistent with the Convention, especially articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In light of articles 3, 37, 40 and 39 of the Convention, the Committee further recommends that the State party take all effective measures to

ensure that children are separated from adults in detention facilities and that children are not subjected to solitary confinement, unless it is in their best interests and subject to court review. Additionally, the Committee encourages the State party to reinforce its rehabilitation and reintegration programmes for children in conflict with the law.

Sexual abuse and exploitation

42. The Committee is aware of the efforts of the State party to prevent and combat sexual abuse and exploitation, including the recent establishment of an information collection system on sexual abuse. The Committee is concerned about the lack of awareness about child abuse and exploitation and the inadequate efforts to address child pornography. The Committee also notes the need for training for professionals working with and for child victims of abuse, including police officers, lawyers and social workers.

43. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its efforts to strengthen current policies and measures, including care and rehabilitation, to prevent and combat these phenomena. The Committee recommends that the State party take all appropriate measures to introduce and/or reinforce training for professional working with and for child victims of abuse and exploitation.

44. The Committee notes that a bill has been introduced that would provide support for children between the ages of 15 and 17 years who may be experiencing difficulties in adjusting to the norms and rules of society, especially those children in conflict with the law. However, the Committee remains concerned about the situation of such children.

45. The Committee encourages the State party to continue and, where necessary, reinforce its efforts in providing adequate support to these children and to their parents.

7. Ratification of the Optional Protocols

46. The Committee is aware that the State party has signed the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

47. The Committee encourages the State party to ratify both Optional Protocols as soon as possible.

8. Dissemination of the documentation

48. Finally, **in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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